

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13969 of 2007

Dated:03.07.2007

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Between:

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Smt.Sheethal and another.

...PETITIONERS

and

The Mandal Revenue Officer, Medchal, Ranga Reddy District,
and others.

...RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13969 of 2007

ORDER:

The two petitioners filed instant writ petition praying this Court for the following reliefs.

For the reasons stated in the accompanying Affidavit, it is prayed that this Hon'ble Court may be pleased to issue appropriate writ, order or direction, preferably a writ of mandamus:

- A. To stay further proceedings in No.B/501/07, B/502/07, B/503/07, B/504/07 before R1 dt.13.04.2007 and 01.05.2007.
- B. Any other direction relief or reliefs deem fit and proper in the circumstances of the case and in the interest of justice.

Second petitioner allegedly entered into an agreement of sale with sixth respondent and his father on 02.09.1990 for purchase of land admeasuring Acs.2.05 guntas in survey No.102 situated at Gundla Pochampally Village, Medchal Mandal, Ranga Reddy District. It appears that sixth respondent and his father also executed a general power of attorney in favour of second petitioner under a registered document dated 04.02.1992. First petitioner purchased an extent of Acs.2.05 guntas in survey No.102 situated in the same Village from Udamarry Chandraiah and his son (fourth respondent herein) under a registered sale deed dated 17.02.2003. Thereafter first petitioner filed an application before the Mandal Revenue Officer (MRO) for mutation, which was granted. When there was threat of dispossession from sixth

respondent, who tried to erect fence, first petitioner send legal notices to respondents 1 to 3 (MRO, Revenue Divisional Officer and District Collector). In spite of the same, first respondent mutated the name of sixth respondent in the revenue records, vide proceedings dated 13.05.2005. Therefore, in the meanwhile the petitioners filed O.S.No.934 of 2006 on the file of the Court of

I Additional District Judge, Ranga Reddy District, for declaration of title. At that stage, a public notice was issued in 'Times of India', a daily newspaper, on 05.11.2006 by the counsel for respondents 4 and 5 that their clients are likely to purchase the same property from sixth respondent. The counsel for respondents 4 and 5 also sent a caveat notice to first petitioner to the effect that their clients purchased the property from sixth respondent. At the behest of these persons, first respondent initiated action under the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity) and the Andhra Pradesh Rights in Land & Pattadar Pass Books Rules, 1989 (the Rules, for brevity) for alteration of the entries in the revenue records. Notices were sent to the petitioners on 13.04.2007. After receiving the notices, the petitioners informed first respondent about the pendency of the suit for declaration of title. In spite of the same, first respondent is proceeding with the enquiry. Therefore, they filed instant writ petition seeking the above reliefs.

This Court has heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-T). A writ petition only to stay the proceedings pending before a statutory authority is misconceived. Such a writ petition plainly is not maintainable. Secondly even according to the petitioners, they did not file an affidavit before first respondent to the effect that a declaration suit, being O.S.No.934 of 2006, is pending as per the averments made in paragraph 19 of the affidavit accompanying the writ petition that "orally intimated that a declaration suit is pending". Therefore, the action of first respondent in proceeding with the enquiry cannot be faulted. The writ petition itself is filed ignoring the Writ Proceedings Rules, 1977, and such writ petition cannot be entertained.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

03rd July, 2007
ghn